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STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

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## STATE BOUNDARY COMMISSION

### PROCEDURE FOR ANNEXATION

**NOTE:** Under Executive Order 1996-2, the Director of the Department of Labor & Economic Growth makes the final decision on whether to approve or deny an annexation petition or a referendum petition. Therefore, in the following procedure, all references to a decision by the State Boundary Commission to approve or deny annexation petitions should be interpreted to mean a recommendation of approval or denial to the Director of the Department of Labor & Economic Growth.

**NOTE:** The following procedure must be read and followed in conjunction with the State Boundary Commission Act and Administrative Rules.

**NOTE:** In following procedure, unless it is otherwise noted, the annotations refer to the *Home Rule City Act* (Public Act 279 of 1909, as amended) or the *State Boundary Commission Act* (Public Act 191 of 1968, as amended).

*Example 1:* (117.6) refers to Section 6 of the *Home Rule City Act* (Public Act 279 of 1909, as amended).

*Example 2:* (Sec. 7, 191) refers to Section 7 of the *State Boundary Commission Act* (Public Act 191 of 1968, as amended).

#### A. **METHODS OF INITIATING ANNEXATIONS TO HOME RULE CITIES THAT WERE PLACED UNDER THE JURISDICTION OF THE BOUNDARY COMMISSION.**

1. By the circulation and signing of petition signed by persons who are qualified electors and freeholders residing in the affected territories. (117.6) The land to be annexed must be contiguous to a city.
  - a. Petitions must be signed by at least 1% of the qualified electors residing in the affected territories. (117.6)
  - b. No less than 100 signatures. (117.6)
  - c. If the affected territory is in one county, no less than 10 of the signatures shall be obtained from each affected city, village, or township. (117.6 and 117.11)

- d. If the affected territory is in more than one county, 25 signatures shall be obtained from each affected city, village or township. (117.11)
- e. Should the unincorporated township territory proposed to be annexed contain less than the 10 persons qualified to sign the petition, the **following alternate method** can be used in lieu of the 10 signatures from the township: the petition is signed by persons, firms, corporations, the United States government, the state, or any of its subdivisions, who collectively hold equitable or record legal title to more than ½ of the area of the land, exclusive of streets, at the time of the filing; each signature must be followed by a description of the land and the area represented thereby; a sworn statement shall also accompany the petition giving the total land area proposed to be annexed. (117.6)
- 2. By resolution of the legislative body of the city to which the area is proposed to be annexed. (117.9 [7a])
- 3. By petition by the persons, firms, corporations, the United States government or the state or any of its subdivisions, who collectively hold recorded title to 75% or more of the area of the land, exclusive of streets, in the territory proposed for annexation at the time of filing the petition. (117.9 [7b])
- 4. By petition by 20% of the registered electors who reside in the area proposed for annexation. (117.9 [7c])

#### **B. TWO-YEAR RESTRICTION**

An annexation petition shall be rejected by the Commission which includes any part of the territory in any annexation petition filed within the preceding 2 years, except one rejected for legal sufficiency, that was denied by the Commission or defeated in an election ordered by the Commission. (117.9 [6])

#### **C. PUBLIC ACT 425 RESTRICTION**

While a valid Public Act 425 Agreement is in effect, another method of annexation or transfer shall not take place for any portion of an area transferred under the Public Act 425 contract. (MCL 124.29)

#### **D. DETERMINING POPULATION OF AFFECTED TERRITORY**

Population is determined by the most recent decennial U.S. census. (117.6)

#### **E. DETERMINING POPULATION OF AREA PROPOSED OR APPROVED TO BE ANNEXED (100 or less, or over 100) ON THE DATE THE PETITION WAS FILED.**

- 1. By personal interviews with people residing within the area proposed to be annexed as soon as is practicable after filing of the petition (R123.6), or
- 2. Determination of number of dwelling units that existed in the area proposed to be annexed on the date the petition was filed (R123.6), or
- 3. Population determined by multiplying number of structures by the average number of residents per household as determined by the most recent decennial U.S. census. (R123.6)

**F. ANNEXATION ELECTIONS**

1. No election can be held on any petition rejected by the Commission for legal sufficiency (117.9 [5])
  2. No election can be held on any petition approved by the Commission as filed, or with boundary adjustments, when the area contained 100 persons or less on the filing date. (117.9 [5])
  3. An election will be held if:
    - a. The petition was approved by the Commission as filed or with boundary adjustments, and the area as approved contained over 100 persons on the filing date, and (117.9 [5])
    - b. A valid petition filed with the Commission within 30 days of its approving order which contains the signatures of a least 25% of the registered electors of any one or two or all of the following: (117.9 [5])
      - (1) The area proposed to be annexed, or
      - (2) The annexing city, or
      - (3) The remainder of the township from which land is being removed.
  4. Only those areas petitioning for election will vote on the proposed annexation. (117.9 [5])
  5. Votes are counted separately in each area that votes. The proposed annexation must be approved by a majority vote in each area or the annexation is rejected. (117.9 [5])
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## ACTION STEPS

### Petitioner(s)

1. Accurately describe in the petition the boundaries of the area proposed to be annexed. (Sec. 6, Act 279; 117.6)
2. Represent in the petition the method of annexation being used and state that the necessary conditions have been met.
3. Attach a map or drawing to the petition clearly showing the territory to be annexed. (Sec. 6, Act 279; 117.6)

### Circulator of Petition or Proponent of Resolution

4. Shows map or drawing to each person before obtaining his or her signature on the petition or vote on the Resolution. (Sec. 6, Act 279; 117.6)

### Petitioners

5. Attach an affidavit signed by one or more of the petitioners. (Sec. 6, Act 279; 117.6 and 117.11)
6. Address the petition to the State Boundary Commission. (Sec. 7, Act 191; 117.9 [2])
7. File the petition with the Manager of the Commission. (Sec 7, Act 191; 117.9 [2])

**NOTE:** At this point, local commission members/vacancies from the respective county are appointed to the Commission. (Sec. 5, Act 191)

### Boundary Commission

8. Sends notice of a petition being filed within 10 days of filing to affected local and county clerks. (R.123.46(1))
9. Reviews the petition for conformance to Acts 191 or 279 and to the rules and regulations of the Commission and: (Sec. 8, Act 191; 17.9 [2])
  - a. Rejects the petition or resolution for:
    - 1) Nonconformance with the Acts and the Commission's rules.
    - 2) Containing incorrect statements.

- b. Returns the petition to the petitioners, together with their reasons and certificate of rejection, or
  - c. Approves the petition and schedules a public hearing on the petition, and may expand the area proposed for annexation.
- 10. Provides notice of the public hearing to the clerks of the affected municipalities, the county clerk, and the property owners within 300 feet by certified mail at least 30 days before the date. (Sec. 8, Act 191; 117.9 [2])
- 11. Publishes a notice at least 7 days before the date of the public hearing by in a newspaper of general circulation in the area. (Sec. 8, Act 191; 117.9 [2])
- 12. Holds a public hearing on the petition. (Sec. 8, Act 191; 117.9 [2])
  - a. Not less than 60 or more than 220 days after the filing.
  - b. At a convenient place in or reasonably near the area proposed to be annexed.

#### **Citizens and Officials**

- 13. Present evidence and testimony to the Commission. (Sec. 8, Act 191; 117.9 [2])

#### **Boundary Commission**

- 14. Mails copies of, or a listing of, materials received at the public hearing and in the 30 days following the public hearing to the designated parties for the petitioner, city and township(s).

#### **Designated Parties for the Petitioner, City and Township(s)**

- 15. Submit information rebutting the material during a 7-day period designated by the Manager of the Boundary Commission.

#### **Boundary Commission**

- 16. Mails copies of, or a listing of, materials received during the 7-day period designated in Step 15 to the

designated parties for the petitioner, city and township(s).

17. Considers the reasonableness of the proposed annexation, based on criteria established in Sec. 9. (Sec. 8, Act 191, 117.9 [2])
18. Determines whether to: (Sec.10, Act 191, 117.9 [2])
  - a. Deny the proposed annexation.
  - b. Approve the annexation.
  - c. Approve the annexation with a reduced or expanded area.
19. Adopts a resolution and order to: (Sec. 10, 191, 117.9 [2])
  - a. Deny the petition or resolution giving reasons for the denial, or
  - b. Approve the petition or resolution, giving its reasons for the approval, or
  - c. Approve the petition or resolution with a reduced or expanded area, giving its reasons for revisions and approval.
20. Sets the effective date of an approved annexation and includes it in the order referenced in Step 19. (Sec. 6, Act 279; 117.9 [5])
21. Sends a certified copy of its denial order to each affected county, city, village or township clerk (Sec. 6, Act 279; 117.9 [3])
22. Sends a certified copy of its approval order to each affected county, city, village or township clerk and to the Secretary of State. (Sec. 6, Act 279; 117.9 [4] and [5])

**NOTE:** When the area approved for annexation contains 100 or fewer persons on the date the annexation petition or resolution was filed, the Commission action is final and becomes effective on the date set forth in the order (117.9 [4])

**NOTE:** When the area to be annexed contains more than 100 persons on the date the annexation petition or resolution was filed, the Commissioner's order becomes final 30 days after its adoption UNLESS: (117.9 [4])

**25% of the Registered Electors**

23. File a petition with the Commission asking for an election on the annexation question in: (Sec. 6, Act 279; 117.9 [5])
  - a. The area to be annexed, or
  - b. The annexing city, or
  - c. The balance of the township.

**NOTE:** Any one, any two, or all of these areas may petition for an election within 30 days of the Commissioner's order approving the annexation.

**Boundary Commission**

24. Verifies the validity of the referendum petition. (Sec. 6, Act 279; 117.9 [5])
  25. Orders an election in each area filing a valid referendum petition. (Sec. 6, Act 279; 117.9 [5])
  26. Sets the effective date of the annexation if all areas voting approve the proposed annexation. (Sec. 6, Act 279; 117.9 [5])
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## APPENDIX

### SPECIAL ANNEXATION SITUATIONS THAT DO NOT COME BEFORE THE BOUNDARY COMMISSION

- A. A park or vacant property owned by a city, located in a township, and adjacent to the city with no one residing thereon may be annexed as follows: (Sec. 6, Act 279; 117.9 [8])**

**City Council**

1. Adopts a resolution annexing the property. (Sec. 6, Act 279; 117.9 [8])
2. Attaches to the resolution every affidavit or certificate adopted as part of the resolution. (Sec. 6, Act 279; 117.13)
3. Files the resolution and attachments with the Secretary of State and the County Clerk. (Sec. 6, Act 279; 117.13)

- B. If the territory is adjacent to the city and is owned by the city or consists of fractional parts of platted subdivisions lots located in an adjoining city, village or township, annexation may be accomplished as follows: (Sec. 6, Act 279; 117.9 [8])**

**City Council**

1. Affirms the annexation by adopting a resolution approved by a majority vote. (Sec. 6, Act 279; 117.9 [8])

**Legislative Body of Adjoining City, Village or Township**

2. Adopts a resolution approving the proposed City, Village or Township annexation. (Sec 6, Act 279; 117.9 [8])
3. Attaches to the resolution every affidavit or certificate adopted as part of the resolution. (Sec 6, Act 279; 117.9 [13])

**Annexing City**

4. Files the resolution and attachments with the Secretary of State and the County Clerk. (Sec 6, Act 279; 117.9 [13])

- C. Where there are no qualified electors residing in the territory proposed to be annexed other than the person or persons petitioning, an alternate means of annexation is available, as follows: (Sec. 6, Act 279; 117.9 [8])**

**Persons, Firms, Corporations, United States Governments, the State or any of its Subdivisions**

1. Sign a petition asking for the proposed annexation. (Sec. 6, Act 279; 117.9 [8])
2. Files the petition with the City Council and the Township. (Sec. 6, Act 279; 117.9 [8])

**NOTE:** These signers must collectively hold equitable or record legal title to more than ½ of

the area of the land in the territory proposed to be annexed.

**City Council**

3. Affirms the annexation by adopting a resolution approved by a majority vote. (Sec. 6, Act 279; 117.9 [8])

**Township Treasurer**

4. Notifies the owners of all real property in the territory proposed to be annexed as shown on the assessment rolls of the township. (Sec. 6, Act 279; 117.9 [8])
  - a. At least 10 days prior to approval by the township board.
  - b. At the last know address on file with the treasurer.
    - 1) Personally, or
    - 2) By registered mail with return receipt demand.

**Township Board**

5. Adopts a resolution approving the proposed annexation.

**Annexing City**

6. Attaches to the initiatory petition every resolution, affidavit or certificate adopted as part of the resolution. (Sec. 6, Act 279; 117.13)
7. Files the initiatory petition and attachments with the Secretary of State and the County Clerk. (Sec. 6, Act 279; 117.13)

**D. When the State holds record legal title to an entire area of land that is adjacent to a city, this land may be annexed as follows: (Sec. 6, Act 279; 117.9 [1])**

**Appropriate State Agency**

1. Signs a petition asking for the proposed annexation. (Sec. 6, Act 279; 117.9 [1])
2. Files the petition with the governing bodies of the city to which the land is to be annexed and the township in which the territory is situated. (Sec. 6, Act 279; 117.9 [1])

**City Council**

3. Affirms the annexation by adopting a resolution approved by a majority vote. (Sec. 6, Act 279; 117.9 [1])

**Township Board**

4. Adopts a resolution approving the proposed annexation. (Sec. 6, Act 279; 117.9 [1])

**Annexing City**

5. Files the initiatory petition and attachment with the Secretary of State and the County Clerk. (Sec. 6, Act 279; 117.13)

**E. Whenever the process of incorporation, consolidation or annexation leaves a portion of a township without qualified electors and the constitutional and statutory officers to performs their lawful function, this township remnant can be annexed a part of the alternate method provided for by Section 9 as follows: (Sec. 6, Act 279; 117.9a)**

**Owner or Owners of Record or Equitable Title of ALL Real Property of Such Portion of a Township**

1. Sign a petition asking for the proposed annexation. (Sec.6, Act 279; 117.9a)
2. Files the petition with the clerk of the annexing city and the County Clerk of the county in which the territory is situated. (Sec. 6, Act 279; 117.9a)

**Members-Elect of the Annexing City Council**

3. Affirm the annexation by majority vote. (Sec. 6, Act 279; 117.9a)

**County Board of Commissioners**

4. Approves by a majority vote of all its members. (Sec. 6, Act 279; 117.9a)

**Annexing City**

5. Files the initiatory petition and attachments with the Secretary of State and the County Clerk. (Sec. 6, Act 279; 117.13)

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